

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR - 8 2019

David J. Bradley, Clerk of Court

United States of America

v.

Nam Phuong HOANG

Case No.

H19-0415M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/21/2017 to 08/14/2017 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. Sec. 1546 (a)
 8 U.S.C. Sec. 1325 (c)

Fraud and misuse of visas, permits, and other documents
 Marriage Fraud

This criminal complaint is based on these facts:

See Attached Affidavit of Homeland Security Investigations Special Agent Paul Skinner

☒ Continued on the attached sheet.

SA Paul Skinner

Complainant's signature

Paul Skinner, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/08/2019

Frances H. Stacy

Judge's signature

Honorable Frances H. Stacy, U.S. Magistrate Judge

Printed name and title

City and state: Houston, Texas

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Paul Skinner, being duly sworn, hereby depose and state the following:

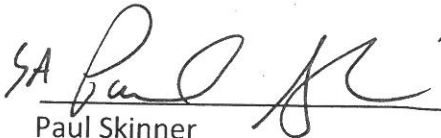
1. I am a Special Agent with United States Department of Homeland Security (DHS) - Homeland Security Investigations (HSI) and have been so employed since March 2002. Prior to that, I was employed by The Montgomery County Sheriffs Office as a Deputy Sheriff from August 1999 to March 2002. Prior to that, I was employed by the Texas Department of Criminal Justice from August 1994 to August 1999. I am currently assigned to the Document and Benefit Fraud Task Force (DBFTF) and routinely investigate cases related to Document and Benefit Fraud.
2. The following information contained herein is either personally known by me, or has been relayed to me by other HSI agents, sworn law enforcement officers, or other reliable witnesses.
3. HSI Houston received information from US Citizenship and Immigration Services (USCIS) Fraud Detection National Security (FDNS) in reference to Nam Phuong HOANG DOB: 06/18/1983, Texas Driver's License: 42887072, SSN: 481-95-4700, A#214622584.
4. FDNS officers reviewed Nam Phuong HOANG's A file (A#214622584) after the submission of an I-130, Petition for Alien Relative ("I-130") submitted to USCIS by United States Citizen Brandy Lynn EISLEY DOB: 08/25/1983, Texas Drivers License: 03073397, SSN:452-65-9773. Nam Phuong HOANG concurrently filed an I-485, Application to Register Permanent Residence or Adjust Status ("I-485"). FDNS conducted a review of the I-130 and the I-485 as well as the supporting documentation and determined that the submitted petitions contained fraudulent information. Specifically, in both the I-130 and I-485, Brandy Lynn EISLEY and Nam Phuong HOANG both stated under oath and penalty of perjury that they had a bona fide marriage and both lived at 22830 Roberts Run Ln, Katy, Texas 77494, which is within the Southern District of Texas.
5. The I-130 and I-485 submitted petitions provided information that Brandy Lynn EISLEY and Nam Phuong HOANG were married on July 21, 2017 in Harris County, Texas. On August 14, 2017 the I-130 Petition for Alien Relative was submitted to USCIS by United States Citizen Brandy Lynn EISLEY. Nam Phuong HOANG concurrently filed the I-485, Application to Register Permanent Residence of Adjust Status. USCIS scheduled an Adjustment of Status interview for January 11, 2019 for EISLEY and HOANG.
6. On January 11, 2019, HOANG showed up for the USCIS Adjustment of Status Interview at the USCIS Houston office without EISLEY. HOANG advised USCIS that EISLEY was "busy at work" and was "not allowed off today." USCIS could not conduct the Adjustment of Status Interview without EISLEY being present. EISLEY, as the petitioner, did not appear as requested. EISLEY, as the petitioner, did not submit any correspondence to USCIS explaining why she was unable to appear for the Adjustment of Status interview. Subsequently the I-130 and I-485 were denied on February 8, 2019.

7. On March 7, 2019, an USCIS FDNS Officer and an HSI Houston Special Agent conducted a visit at 22830 Roberts Run Ln, Katy, Texas 77494 to determine if EISLEY and HOANG resided together in a marital union, which is what they indicated under oath in the abovementioned I-130 and I-485. The FDNS Officer and the HSI Houston Special Agent made contact with HOANG. Upon making contact with HOANG and inquiring about his marriage to EISLEY, HOANG admitted that EISLEY did not reside with him at the residence. The HSI Houston Special Agent mirandized HOANG. HOANG acknowledged his Miranda Rights and signed a written waiver. HOANG admitted that his marriage to EIZLEY was a non-bona fide marriage for immigration purposes only. HOANG admitted that he and EISLEY never consummated the marriage and never lived together, including at that address. HOANG further admitted that he entered the United States to specifically engage in the fraudulent marriage to obtain immigration benefits. HOANG admitted that the I-130 and I485 submitted contained fraudulent information. HOANG provided the HSI Houston Special Agent with documentation which corroborated the statements he made regarding the fraudulent marriage. The HSI Special Agent advised HOANG that Agents may need to conduct a follow up interview. The FDNS Officer and the HSI Special Agent departed HOANG's residence.

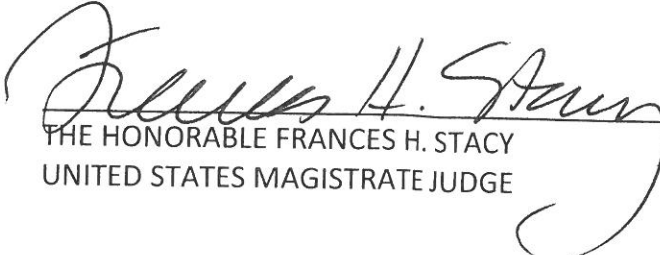
8. On March 7, 2019, HSI Houston Special Agents learned that HOANG purchased an airplane ticket to Vietnam scheduled to depart the United States on March 9, 2019.

9. On March 8, 2019, HSI Houston Special Agents went to 22830 Roberts Run Ln, Katy, Texas 77494 and made contact with HOANG. HOANG admitted he purchased the airplane ticket to Vietnam. HSI Houston Special Agents arrested HOANG on administrative immigration violations and took him into custody. Moreover, should HOANG be placed into criminal custody with the United States Marshal Service, undersigned counsel anticipates filing an ICE Detainer.

10. Based on the aforementioned information, I believe that there is probable cause to believe that Nam Phuong HOANG, violated Title 18 United States Code 1546(a) and Title 8 United States Code 1325(c).


Paul Skinner
Special Agent
Homeland Security Investigations

SUBSCRIBED AND SWORN TO before me this 8th day of March, 2019 and I find probable cause.


THE HONORABLE FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE